

## **REMARKS**

Claims 1-20 are pending in the application. Claims 16-19 have been amended in view of their indicated allowability if rewritten in independent form to include all the limitations of the base claim and any intervening claims. No new matter has been introduced by the amendment.

### **Rejection Under 35 U.S.C. § 103(a)**

Claims 1, 3, 6-8, 10, 13-15, and 20 have been rejected over Wada et al. in view of Nishida et al. This rejection is believed overcome in view of the following remarks.

The applicants note that Nishida et al. has a U.S. filing date of March 26, 2001. The above-referenced application, however, claims priority to Japanese Patent Application No. 2001-003882. The applicants' priority application has a Japanese filing date of January 11, 2001. The applicants' claim to priority under 35 U.S.C. § 119 was acknowledged in the Office Action dated November 18, 2002. The applicants submit herewith a certified English translation of their Japanese priority application in order to perfect their claim to priority under 35 U.S.C. § 119 and in accordance with MPEP 706.02(b). Accordingly, applicants respectfully request that Nishida et al. be withdrawn.

As stated in the instant office action at page 3, Wada et al. fails to disclose a piezoelectric element suspended between two sections of the swing arm. Further, as further set forth in the instant Office Action at page 4, Wada et al. fails to disclose a pair of piezoelectric elements having polarities opposite to each other. Accordingly, the applicants assert that claims 1, 3, 6-8, 10, 13-15, and 20 distinguish over Wada et al.

Claims 4-5 and 11-12 have been rejected over Wada et al. and Nishida et al. and further in view of Pattanaik. The applicants respectfully assert that the addition of Pattanaik does not overcome the deficiencies of Wada et al. This is at least because Pattanaik does not suggest or disclose piezoelectric elements suspended within an opening of a swing arm. Accordingly, applicants respectfully assert that claims 4-5 and 11-12 distinguish over the cited combination of references.

Claims 2 and 9 have been rejected over Wada et al. and Nishida et al. and further in view of Hayden. The applicants respectfully assert that claims 2 and 9 distinguish over the cited combination of references at least because Hayden does

not suggest or disclose a piezoelectric element suspended within an opening of a swing arm.

Claims 16-19 were indicated as being allowable if rewritten in independent form to include all the limitations of the base claim in any intervening claims. Accordingly, the applicants have amended claim 16 to include all of the limitations of claim 15 from which it formally depended.

Claim 17 has been amended to change its dependence from claim 15 to claim 16.

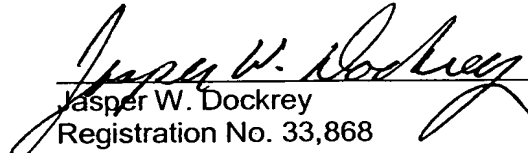
Claim 18 has been amended to include all of the limitations of claim 1 from which it formally depended.

Claim 19 has amended to include all of the limitations of claim 8 from which it formally depended.

In view of the foregoing amendment of claims 15-19, the applicants respectfully asserts that these claims are now in condition for allowance.

The applicants have made a novel and non-obvious contribution to the art of magnetic head actuator devices. The claims at issue are believed to distinguish over the cited references and to be in condition for allowance. Accordingly, such allowance is now earnestly requested.

Respectfully submitted,

  
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